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## Maritime conflict prevention system: some ideas for an action plan

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## Maritime conflict prevention system: some ideas for an action plan

### Abstract

This paper outlines some basic proposals for developing good order at sea. It suggests that the key to promoting cooperation and establishing an effective maritime conflict prevention system lies in developing wider maritime awareness in the region, including a greater appreciation of the complexities and problems of marine environmental management. In effect, this is similar to the need perceived in the U.S. for maritime domain awareness as an essential element of Homeland Security. It recognizes that comprehensive knowledge of what is happening at sea is an essential element of maritime security although at a regional level, this knowledge and understanding can only be acquired through cooperative activities. Few coastal States possess sufficient capability to meet their maritime monitoring and information needs from their own resources.

There have been several initiatives in regional forums over the years related to developing maritime knowledge and information exchange. However, due largely to the lack of both commitment and resources, few of these have matured into effective operational systems. The paper describes some of these initiatives and the problems that have prevented their full implementation. A major problem has been the failure to recognize the interconnected nature of the maritime environment and the need for cooperation to maximize the common good of Ocean Security.

A possible way ahead involves a "building block" approach to achieving a higher level of maritime awareness, including an appreciation of the benefits of cooperation. This might be a three-tiered approach starting with some basic initiatives to promote maritime awareness and information sharing such as inter-agency and multilateral regional security workshops and marine information directories, and then moving through digital databases to an ultimate objective of real-time maritime surveillance and information exchange. These activities might lead to, or be associated with, the implementation of more ambitious arrangements for cooperative maritime security such as the ocean peacekeeping project developed by researchers at the National Institute for Defense Studies in Tokyo between 1996 and 2000. However, this paper suggests that coast guards may be more preferable than navies for implementing such a project.

Maritime awareness is generally lacking in the region at present but is fundamental to the implementation of a stable maritime regime and an effective regional response to terrorism and piracy. An action plan to build an effective maritime conflict prevention system might start "small" with some modest awareness building activities as suggested in this paper.

### Keywords

prevention, system, conflict, ideas, maritime, action, plan

### Disciplines

Law

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# MARITIME CONFLICT PREVENTION SYSTEM – SOME IDEAS FOR AN ACTION PLAN

By

Sam Bateman\*

(Paper for International Conference on Geo-Agenda for the Future: Securing the  
Oceans held in Tokyo, 17-18 October, 2003, sponsored by the Ship and Ocean  
Foundation)

## Introduction

The principal challenge for Ocean Security in the Asia-Pacific region is to build a stable maritime regime, which provides good order at sea, reduces the risks of conflict and allows regional countries to pursue their legitimate maritime interests in a safe and secure manner. Developing this regime requires a much higher level of maritime cooperation than exists in the region at present

If anything maritime disorder rather than order prevails in the region, particularly in the enclosed and semi-enclosed seas of East Asia<sup>1</sup>. Conflicting claims to maritime jurisdiction exist throughout these waters and naval budgets continue to grow at a fast rate<sup>2</sup>. Land-sourced and ship-sourced marine pollution continue unabated and marine habits are being destroyed. Major problems exist with combating illegal activity at sea such as piracy, drug trafficking and people smuggling. Fish stocks are being depleted and illegal fishing is prevalent in many areas. The maritime geography of East Asia means that a system of unilateral exclusive economic zones (EEZs) and sovereign resource

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<sup>1</sup> An enclosed or semi-enclosed sea is defined in Article 122 of the 1982 UN Convention on the Law of the Sea (UNCLOS). The seas in East Asia meeting this definition include from North to South: the Sea of Okhotsk, Japan Sea (or the East Sea to Koreans), Yellow Sea, East China Sea, South China Sea, Gulf of Thailand, Sulu Sea, Celebes Sea, the Timor and Arafura Seas and the Andaman Sea. Under UNCLOS Article 123, States bordering these seas are required to cooperate in their management.

<sup>2</sup> The author endorses fully the sentiments of the November 2002 International Conference conducted by the Institute for Ocean Policy, SOF that:

Strife over the demarcation and possession of territorial waters in the oceans is a recurring theme among the nations of East Asia. With nationalism on the rise, disputes about jurisdiction grow ever more difficult to resolve. Worse, the region's powers appear to be vying to upgrade third naval capabilities, aiming to assert sovereignty over broader areas and to establish supremacy over ocean resources.

Institute for Ocean Policy, Proceedings of International Conference on Geo Future Project: Protect the Ocean, Tokyo, November 8 & 9, 2002, p.92.

rights<sup>3</sup> is unlikely to provide an effective system of oceans management and marine environmental protection. The "Securing the Ocean" concept developed by the Institute for Ocean Policy, Ship and Ocean Foundation (SOF) is a welcome initiative towards building maritime order in the region.

This paper outlines some basic proposals for an action plan to develop good order at sea. Past experience with regional maritime cooperation suggests that a "top down" approach is unlikely to be successful. A "bottom up" approach may be preferable<sup>4</sup>. The "bottom up" or "building block" approach was evident in the original agenda of measures for confidence building and preventive diplomacy agreed by the ASEAN Regional Forum (ARF) at its second meeting in Brunei in August 1995.<sup>5</sup> However, the achievement of these measures seems to have been off the agenda in recent years. This paper suggests that the key to promoting cooperation and establishing an effective maritime conflict prevention system lies in developing wider maritime awareness in the region. The maritime strategic geography of the Western Pacific with its many islands, busy sea lines of communication (SLOCs), rich resources and overlapping zones of maritime jurisdiction dictates the importance of a common understanding of the marine environment and its many complexities, particularly legal and physical. The development of this understanding requires a high level of cooperative activity to achieve an integrated management system that meets the needs of Ocean Security.

### Maritime Domain Awareness

With the War on Terrorism and the priority accorded Homeland Security, a new expression has entered the maritime strategic lexicon of the United States. This is *maritime domain awareness*. It means knowing what is going on in the maritime environment. What shipping is in the area? What is it doing? Where is it going? What is the cargo? What other maritime activity is out there? It is an integrated approach to maritime security that ties in threats of maritime terrorism, illegal immigration, drug smuggling, illegal fishing and marine pollution. It suggests the fundamental importance of having good information on which to base risk assessments.

The implementation of maritime domain awareness, if applied at a regional level, would require the following<sup>6</sup>:

<sup>3</sup> The conference mentioned in the preceding footnote was also advised of the trend towards "territorializing" EEZs. Ibid., p. 116. With large areas of the Western Pacific enclosed as EEZs, this trend can only serve to hamper maritime cooperation further.

<sup>4</sup> Partnerships for Environmental Management of the Seas of East Asia (PEMSEA), discussed in another paper at this conference, is an example of the "bottom up" approach towards integrated marine environmental management.

<sup>5</sup> Many of these measures were in the maritime domain. See Desmond Ball, "Maritime Cooperation, CSCAP and The ARF" in Sam Bateman and Stephen Bates (eds), *The Seas Unite: Maritime Cooperation in the Asia Pacific Region*, Canberra Papers on Strategy and Defence No 118, Strategic and Defence Studies Centre, Australian National University, Spring 1996, pp. 10-14.

<sup>6</sup> Based on Tim Campbell, Madhavi Chavali and Kelley Reese (eds), *Meeting the Homeland Security Challenge - Maritime and other Critical Dimensions*, Report of Inter-agency Meeting held at The Royal Sonesta Hotel, Cambridge MA, March 25-26 2002, p.54.

- Comprehensive knowledge of the marine environment including SLOCs, sea borne trade, maritime boundaries and claims, incidents of piracy and armed robbery at sea, oil and gas concessions, fishing areas and so on;
- Less specific knowledge such as data and information on geography, oceanography, weather, national maritime management arrangements and responsibilities, etc; and
- Information management centers to collect, fuse and analyze data and information, make risk assessments and provide a single, integrated picture of relevant information within an area of interest.

With vast intelligence and surveillance capabilities, the U.S. is able to collect the necessary information from its own resources with only limited assistance from its immediate neighbors, particularly Canada. The situation is quite different for countries in the Western Pacific and East Asia that generally have several close neighbors, adjoining maritime zones and limited ability to collect maritime information and data. For these countries, any attempt at gaining greater awareness of their maritime environment has to be a cooperative endeavor. The perceived need of the U.S. for enhanced knowledge and awareness of the marine environment has important lessons for the region. These include a demonstrated requirement for better institutional arrangements and improved inter-agency collaboration to collect, manage and exchange maritime information.

There are other factors to consider. The current focus on countering terrorist activities and the International Maritime Organization (IMO) amendments to the 1974 Safety of Life at Sea Convention (SOLAS) dealing with maritime security, particularly the new International Ship and Port Facility Security (ISPS) Code, highlight the importance of good maritime knowledge and awareness. The changes include accelerated implementation of Automatic Identification Systems (AIS) to ensure that ships over 300 tons are fitted by the end of 2004<sup>7</sup> and mandatory fitting of ships alert systems that will see most vessels fitted by the end of 2004 and the remainder by 2006<sup>8</sup>.

It is all very well to have ship security alert systems in highly controlled waters off the coast of Europe or North America but the effectiveness of these systems in areas such as the South China Sea is less than sure. Even if the Maritime Administration of the ship's flag State can identify an appropriate agency in a particular country to take action on the alert, there can be no guarantee of an appropriate response. Cooperative arrangements to provide the necessary response are simply not available in the region at present

<sup>7</sup> This was agreed at the IMO International Conference on Maritime Security held in December 2002. AIS is a broadcast "transponder system" capable of sending information such as ship identification, position, course, speed (and more) to other ships, aircraft and to shore authorities.

<sup>8</sup> When activated the ship security alert system initiates and transmits a ship-to-shore security alert to a competent authority designated by the Maritime Administration of its flag State, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised. The system will not raise any alarm onboard the ship. The ship security alert system should be capable of being activated from the navigation bridge and in at least one other location. "Security: alert! Comprehensive measures set to enter force in 2004", *IMO News*, No.1, 2003, p. 10.

## Importance of Maritime Knowledge

Comprehensive knowledge of what is happening at sea is an essential element of maritime security. At a national level, this is required in waters under some degree of national jurisdiction i.e. internal waters, territorial sea, EEZ and continental shelf, as well as archipelagic waters for an archipelagic State. It is also important to have information on the approaches to those waters. Only the smallest and most insignificant coastal State can say that it has no interest whatsoever in what happens at sea beyond its national jurisdiction. Background information on the full area of interest is essential to make risk assessments and establish a baseline against which activities out of the ordinary can be assessed. Long-range identification and tracking of ships at sea is a measure that fully contributes to maritime security, including the security of the ships themselves.

Few coastal States possess sufficient capability to meet their maritime monitoring and information needs from their own resources. Hence there is scope for regional cooperation, particularly in areas where neighboring countries have common interests and adjoining maritime zones, and they can cooperate without feeling they are compromising their national security or giving away vital intelligence information. This is the situation in most parts of the Western Pacific although previous initiatives for a cooperative approach to gaining maritime knowledge have been frustrated by political sensitivities and lack of both resources and commitment.

Cooperation with building maritime awareness offers a number of benefits. First, it means better maritime knowledge. This leads to improved marine safety and search and rescue capabilities and a better regional ability to control marine pollution and illegal activities at sea, such as piracy, drug smuggling and arms trafficking. There is strong anecdotal evidence, for example, of a high level of ship-sourced marine pollution in the South China Sea due most probably to the lack of an effective maritime monitoring and enforcement regime. Secondly, a cooperative approach to this task contributes to regional resilience. It shows that despite political differences, regional countries can work together to address a common problem, including the threat of maritime terrorism. Lastly, cooperative activities are a valuable confidence and security building measure (CSBM).

Multidisciplinary and multinational education and training in maritime affairs conducted at a regional level would make an important contribution to developing regional maritime awareness<sup>9</sup>. It would also help build cooperation and dialogue between agencies both at a national and regional level. In 1996 the CSCAP Maritime Cooperation Working Group agreed a proposal for regular workshops on regional maritime issues.<sup>10</sup> One of the major objectives of these workshops was to develop greater awareness and knowledge of maritime issues within the Asia-Pacific region and their security implications. Although the CSCAP Steering Committee later endorsed the workshop proposal, funding could not be found and the proposal has not been implemented.

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<sup>9</sup> Students from other Asian countries being enrolled in the Japan Coast Guard (JCG) Academy as a contribution to measures to combat piracy is a good example of multinational education and training. *Kyodo News* online, 25 April 2001, <http://home.kyodo.co.jp>

<sup>10</sup> Sam Bateman and R.M. Sunardi, "The Way Ahead", Bateman and Bates, *The Seas Unite*, pp. 279-280.

## Related Initiatives

The importance of maritime awareness and the processes to develop such awareness is not a new idea. There have been several initiatives over the years related to developing maritime knowledge and information exchange in regional forums, both Track One and Track Two. However, due largely to the lack of both commitment and resources, few of these have matured into effective operational systems.

### *ARF Maritime Information Database*

The ARF's list of CSBMs and preventive diplomacy measures mentioned earlier included maritime information databases. A maritime information database would enable regional countries to collect and collate data about maritime traffic, environmental issues, piracy and smuggling. Data relating to regional environmental security might, for example, include information on the management of the shipping and storage/disposal of toxic materials. Hydrographic and oceanographic resources in the region are limited and a multinational program that collected information on key maritime areas where it is currently lacking was recognized as an endeavor for the common good. China accepted the task of implementing the database that was subsequently established in Tianjin with a website at: [www.arfmarinfo.org](http://www.arfmarinfo.org). However, the database is no longer up to date due to inadequate funding and the website appears to have lapsed.

### *Malacca and Singapore Straits*

The IMO has introduced a mandatory ship reporting scheme for the Malacca and Singapore Straits<sup>11</sup> referred to as STRAITREP<sup>12</sup>, and Indonesia, Malaysia, Singapore and the IMO have also agreed to go ahead with the establishment of a Marine Electronic Highway for the Malacca and Singapore Straits<sup>13</sup>. This integrated system includes electronic nautical charts, positioning systems, AIS transponders, as well as the provision of meteorological, oceanographic and navigational information. It makes an important contribution to the safety of navigation and security of shipping using the straits and allows for maximum information to be available to ships as well as shore-based users such as the vessel traffic control systems managed by adjacent coastal States. It is an example of the arrangements that might be required elsewhere along the "steel corridor" between Singapore Strait and ports in Northeast Asia.

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<sup>11</sup> Resolution MSC 73(69) adopted by IMO on 29 May 1998.

<sup>12</sup> Parry Oei, "Review of Recent Significant Technologies and Initiatives Implemented to Enhance Navigational Safety and Protect the Marine Environment in the Straits of Singapore and Malacca", Andrew Forbes (ed), *The Strategic Importance of Seaborne Trade and Shipping*, Papers in Australian Maritime Affairs No. 10, Canberra. RAN Sea Power Centre, 2003, p. 142.

<sup>13</sup> IMO Newsroom, "First phase of East Asia's Marine Electronic Highway takes off", <http://www.imo.org/Newsroom>, 24 March 2001.

### *WPNS Maritime Information Exchange Directory*

The Western Pacific Naval Symposium (WPNS) has developed a Maritime Information Exchange Directory (MIED)<sup>14</sup>. This provides guidelines and a signals format for reporting specific maritime information between member navies. It includes a separate section for each member State, including points of contact for reporting information on marine pollution, search and rescue, humanitarian activities, suspicious activities indicating narcotics trafficking, high seas robbery and fisheries infringements. However, not all countries supplied the relevant information and many country sections are incomplete<sup>15</sup>. The U.S. Coast Guard 14<sup>th</sup> Coast Guard District, based in Hawaii, has also developed a document similar to the MIED called the Combined Operations Manual for Regional Non-Defense Security.<sup>16</sup>

### *APEC Ocean Management Information*

An APEC study was conducted in 2002 of the arrangements for oceans management and policy in APEC member economies. This information was collected primarily as a basis for cooperative oceans management under the formula of the Seoul Oceans Declaration agreed by APEC Maritime Ministers at their meeting in Seoul in April 2002<sup>17</sup>. However, with some minor amendments, it could also benefit maritime security cooperation.

### *Ecosystem-Based Management*

The Philippine delegation to the Workshop on Ecosystem-Based Management (EBM) held in Cairns, Australia in June 2003<sup>18</sup> made a proposal for an eco-system-based, large eco-regional ocean governance mechanism for the seas of East and Southeast Asia. The implementation of such a mechanism would require a comprehensive agenda for practical cooperation including with the safety of navigation, marine scientific research and the establishment of a monitoring control and surveillance (MCS) system.

### *Strategic Maritime Information System*

In the mid-1990s, the Information Technology Division of the Australian Defence Science and Technology Organisation (DSTO) developed the Strategic Maritime Information System (SMIS). This was a database of open source, maritime information covering Southeast Asian and Australian waters, including map depictions, maritime boundaries, reports of incidents at sea, port details, data on some 32,000 merchant ships over 1,000 GRT which operate in the region, major routes and shipping movements.

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<sup>14</sup> Chris Rahman, "Naval Cooperation and Coalition Building in Southeast Asia and the Southwest Pacific: Status and Prospect", *Working Paper No. 7*, Canberra, RAN Sea Power Centre and Centre for Maritime Policy, October 2001, p. 30.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 39.

<sup>17</sup> Available through the APEC Secretariat website at <http://www.apecsec.org.sg>. The inventory of Integrated Oceans Management Arrangements in APEC economies should be available on the website at <http://www.apec-oceans.org/>

<sup>18</sup> See website at: <http://www.ea.gov.au/coasts/international/highseas/index.html#2>



Table 1 showing data on the movement of ships with dangerous cargoes in Southeast Asia is an example of the type of information provided by SMIS. This type of data is important for risk assessments and to manage maritime security but unfortunately work on SMIS was suspended several years ago due to lack of sponsorship.

**TABLE 1**  
**Movements of Selected Ship Types with Dangerous Cargoes in ASEAN Ports,**  
**May 1993-April 1994**

|             | LNG<br>Carriers | LPG<br>Carriers | LNP<br>Carriers | Chemical<br>Tankers | Oil<br>Tankers | Total |
|-------------|-----------------|-----------------|-----------------|---------------------|----------------|-------|
| Brunei      | 173             | 0               | 0               | 2                   | 170            | 345   |
| Indonesia   | 412             | 867             | 94              | 925                 | 10324          | 12622 |
| Malaysia    | 147             | 685             | 7               | 1004                | 4494           | 6337  |
| Philippines | 12              | 533             | 2               | 205                 | 495            | 1247  |
| Singapore   | 25              | 894             | 27              | 1231                | 7846           | 10023 |
| Thailand    | 2               | 127             | 0               | 228                 | 979            | 1336  |
| Total       | 771             | 3106            | 130             | 3595                | 24308          | 31910 |

Notes: Includes domestic voyages

Source: Strategic Maritime Information System (SMIS)

### *Regional Maritime Surveillance and Safety Regime*

A Regional Maritime Surveillance and Safety Regime (RMSSAR) was originally suggested in the early 1990s<sup>19</sup>. This would help ensure the safety of shipping and sea borne trade; assist in creating a stable maritime regime; contribute to the preservation of the marine environment; and develop a framework of cooperation that could provide the basis for dealing with higher order contingencies that might arise in the future. However,

<sup>19</sup> Desmond Ball and Sam Bateman, "An Australian Perspective on Maritime CSBMs in the Asia-Pacific Region" in Andrew Mack (ed), *A Peaceful Ocean? Maritime Security in the Pacific in the Post-Cold War Era*, St. Leonards, Allen & Unwin, 1993, pp.158-185. Also, Captain Russ Swinnerton RAN and Desmond Ball, "A Regional Regime for Maritime Surveillance, Safety and Information Exchanges", *Maritime Studies*, No. 78, September/October 1994, pp.1-15.

many difficulties were identified. These included the lack of any clear commonality of interest between possible member countries, the differences in national organizational arrangements for undertaking surveillance, and regional sensitivities to particular issues, including fishing and disputed maritime claims.

### **Problem Areas**

It is clear from this brief review of previous attempts at developing regional maritime awareness and information exchange that there are many problems to overcome before successful systems can be introduced. These include:

- a lack of political acceptance that such systems are necessary;
- coordination is difficult in view of the number of agencies involved, both nationally and regionally;
- rapid technological developments for gathering, storing, manipulating, transmitting and displaying data mean that different countries are at different levels of technology;
- the issue can be sensitive both in commercial and political terms;
- the complicated situation with regard to maritime boundaries can make countries less willing to cooperate, in case they are perceived to be compromising their own sovereignty or claims to sovereignty;
- some reluctance to include national EEZs within the scope of the RMSSAR or maritime databases; and
- lastly but most significantly, the lack of capacity and resources.

### *State Self-Interest*

The fundamental problem with building regional maritime awareness is that realist theory prevails and States tend to act solely in their self-interest. Many examples of this are evident in the maritime domain yet the development of some sense of altruism is essential if we are to move ahead with an effective maritime conflict prevention system. The interconnectivity of the seas and of natural ecosystems generally requires that countries must cooperate to achieve optimum outcomes to maximize the common good of Ocean Security. The maritime environment can only suffer while realism prevails at sea,

Cooperation on maritime issues in East Asia remains underdeveloped. The European<sup>20</sup> and South Pacific<sup>21</sup> regions have demonstrated the importance of over-arching political

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<sup>20</sup> Several papers in Henrik Ringbom (ed), *Competing Norms in the Law of Marine Environmental Protection*, London, Kluwer Law International, 1997 discuss aspects of maritime cooperation facilitated by the European Union (EU) and the European Commission. See in particular, Jacques de Dieu, "EU Policies Concerning Ships Safety and Pollution Prevention Versus International Rule-Making", pp.141-163, and Andre Nollkamper, "The External Competence of the Community With Regard to the Law of Marine Environmental Protection: The Frail Legal Support for Grand Ambitions", pp.165-186.

<sup>21</sup> In the South Pacific, the Pacific Islands Forum (formerly the South Pacific Forum) provides a political framework for oceans governance and maritime cooperation. It was established in 1971 and has a membership of fifteen independent or self-governing countries. A description of regional maritime management in the South Pacific may be found in John Morrison, "Relationships between Australia and the South West Pacific" in Martin Tsamenyi, Sam Bateman and Jon Delaney (eds), *Coastal and Maritime Zone Planning and Management - Transnational and Legal Considerations*, Wollongong Papers in Maritime Policy No.2, Centre for Maritime Policy, University of Wollongong, 1995, pp.75-98.

frameworks as a fundamental prerequisite of effective maritime management regimes at a regional level. These frameworks have facilitated the development of a regional approach to issues such as maritime safety and the prevention of ship-sourced marine pollution. An action plan to develop a maritime conflict prevention system must recognize the limitations of the current regional political security framework.

### **Formulating an Action Plan**

Several issues are clear. First, the region needs to develop a higher degree of maritime awareness. Secondly, the geography of the region and scarcity of resources mean that developing this awareness requires a higher level of cooperation than exists at present, particularly in the enclosed and semi-enclosed seas of East Asia. Thirdly, past attempts at developing a cooperative approach to related issues have generally not been successful. Finally, the introduction of the ISPS Code and the new emphasis on the potential terrorist threat, as well as the ongoing incidence of piracy and armed robberies at sea, require that we revisit the task of building better knowledge of the regional marine environment and information sharing.

A possible way ahead involves a "building block" approach to achieving a higher level of maritime awareness, including an appreciation of the benefits of cooperation. This might be a three-tiered approach starting with some basic initiatives to promote maritime awareness and information sharing (*Tier One*), and then moving through digital databases (*Tier Two*) to the ultimate objective of real-time maritime surveillance and information exchange (*Tier Three*).

### *Regional Maritime Workshops*

The idea of regional maritime workshops to promote maritime awareness and coordinate work between different agencies should be opened up again. The concept and objectives of possible workshops are given in the Annex to this paper. These workshops would reflect the inter-disciplinary, cross-sectoral and international approach evident in the work of the Institute for Ocean Policy of the SOF. They would bring together middle-level practitioners from the many different regional and national agencies involved with securing the oceans for the future. They would help establish an epistemic community of maritime practitioners who share a common understanding of particular problems of the maritime domain.

### *Marine Information Directories*

Arrangements for the exchange of maritime information are underdeveloped in the region. Existing examples of maritime information sharing include the marine data center established by China in response to the ARF initiative, the MIED and the international Piracy Reporting Centre of the International Maritime Bureau (IMB) in Kuala Lumpur collecting data on piracy and armed robberies against ships. Enhanced arrangements for the collection and exchange of maritime information might be investigated.

### *Digital Marine Databases*

Advances in information technology have facilitated the compilation of databases and the exchange of information between different users and collectors of data. Digital maritime databases may contain an array of hydrographic, oceanographic, geographic, shipping route and traffic, port infrastructure and marine incidents (e.g. collisions, groundings and piracy attacks) data. This data can be analyzed and causal relationships investigated. The SMIS is an example of such a digital marine database.

Data on maritime activity, to the extent that it exists at present, is available only at a national level. Many authorities collect relevant information on a national basis but often this data collection is often not even coordinated at a national level, let alone a regional one. There would be many potential benefits in establishing a free-access, open-source regional database. In particular, there is not a good database of what ships are moving where in the region and with what cargo. Significant barriers exist to the collection of this data, including commercial confidentiality and political sensitivities, but an effective response to maritime terrorism and piracy requires that the issue be pursued.

### *Real-Time Maritime Surveillance and Information Exchange*

The movements of ships on passage need to be monitored, particularly in coastal or congested waters. However, the shore side institutional arrangements to manage information on what is happening at sea and to respond to shipping security alerts are missing. This is not just information on shipping activities but might cover also fishing, marine scientific research, oil and gas exploration and exploitation, and so on. The idea of a comprehensive RMSSAR should be explored in forums such as APEC, the ARF and WPNS.

### **Further Cooperative Arrangements**

The activities discussed above might lead to, or be associated with, the implementation of more ambitious arrangements for cooperative maritime security such as the ocean peacekeeping project developed by researchers at the National Institute for Defense Studies in Tokyo between 1996 and 2000<sup>22</sup>. This involved naval forces being used in joint activities for the protection of the environment such as monitoring the movement and operations of fishing vessels and evidence of ship-sourced marine pollution.

However, some countries might now prefer to use their coast guards for this purpose. Coast guard vessels may be more suitable than warships for employment in sensitive areas where there are conflicting claims to maritime jurisdiction and/or political tensions between parties. Regional coast guards are expanding rapidly<sup>23</sup>. Bangladesh, the Philippines and Vietnam have all established coast guards and Malaysia and Indonesia

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<sup>22</sup> Proceedings of *International Conference on Geo Future Project*, pp. 110-111.

<sup>23</sup> For a discussion of the development and expansion of coast guards in the region see Sam Bateman, "Coast Guards: New Forces for Regional Order and Security", *Asia Pacific Issues: Analysis from the East-West Center* No. 65, Honolulu, East-West Center, January 2003

are following suit. The anti-piracy operations by the Japan Coast Guard in Southeast Asian waters demonstrate the use of coast guards as instruments of foreign policy. The ultimate objective may well be a regional coast guard organization to provide for Ocean Security in the region.

### **Concluding Thoughts**

We frequently talk about regional maritime cooperation and its presumed benefits but there are some paradoxes. UNCLOS as the most wide-ranging, global maritime regime provides an agreed legal basis for enclosure of a significant proportion of the "global commons" by extending areas that can be claimed as territorial seas and continental shelves and leading to EEZ claims often overlapping those of a neighbor. UNCLOS thus supports *nationalistic* approaches to managing the maritime domain although, as has been noted, it also provides strong support for cooperation between States. This conceptual dichotomy is very apparent in the seas of East Asia and bears quite fundamentally on the prospects for maritime cooperation and regime building in these seas.

Countries in East Asia share significant maritime interests but sources of conflict exist at sea largely because of the uncertain strategic environment, the incidence of maritime sovereignty disputes, and major jurisdictional problems, especially the lack of agreed maritime boundaries. Additional risks arise as a consequence of high economic growth making regional countries more dependent on SLOCs, increasing their demand for marine resources and facilitating higher expenditure on naval arms.

Maritime awareness is generally lacking in the region at present but is fundamental to the implementation of a stable maritime regime and an effective regional response to terrorism and piracy. However, despite the clear benefits of improved awareness to all regional countries, past experience suggests that there are numerous obstacles to overcome before effective and enduring cooperative arrangements are introduced. An action plan to build an effective maritime conflict prevention system might start "small" with some modest awareness building activities such as outlined above. Quite simply we need to get confidence building and preventive diplomacy measures back on the agenda again.

### **ANNEX:      Outline of Regional Maritime Workshops**

## **ANNEX B**

### **OUTLINE OF REGIONAL MARITIME SECURITY WORKSHOPS**

#### **Concept**

- Regular workshops on maritime security hosted successively by different APEC economies. Funding to be provided by APEC and/or sought from an international donor agency.
- A maximum of 40 participants for each workshop with a Director of Studies (appointed for a fixed term), Workshop Coordinator (similarly appointed), approximately six resource persons and administrative staff.
- Resource persons should be regional specialists in field such as maritime security, international relations, law of the sea, shipping and ports, regional economics and trade. They would be drawn from a pool of prospective persons from APEC economies.
- The workshops should be conducted over an intensive five-day period.

#### **Objectives**

The objectives of the workshops should be to:

- develop greater awareness and knowledge of maritime security issues within the Asia Pacific;
- foster informal links and interaction between officers from different government departments and agencies with maritime security responsibilities;
- promote problem solving and cooperative approaches to maritime security;
- contribute to regional maritime confidence and security building;
- acquaint specialists on one field of maritime activity with information on what is occurring in other fields; and
- provide a forum for the generation of initiatives for regional maritime security cooperation.

#### **Who Should Attend?**

The workshops should be both a socializing, educational experience and a forum for the generation of ideas and problem solving. Attendees should be sufficiently senior that they are able to contribute ideas. For example:

- middle-ranking public servants from government departments and agencies concerned with maritime security (e.g. foreign affairs, shipping, defense);
- officers from regional defense forces of Commander/Captain (Lieutenant Colonel/Colonel) rank or equivalent;
- middle management executives from the shipping and port industries; and
- academics from regional institutions with teaching and research interests in relevant fields.